

Response to the Office Action
Dated July 8, 2004

Appln. No. 10/613,804

- 3 -

August 6, 2004

Claim 1

Claim 1 is drawn to a seal 10 (shown in Figure 2) comprising a loop 12 around which extends a sealing lobe 16. Claim 1 recites that a channel 36 is positioned adjacent to the sealing lobe 16, the channel facing inwardly of the loop 12. This configuration is clearly absent from the seal disclosed in McCutcheon et al, the Examiner's remarks to the contrary notwithstanding. None of the figures in the reference, in particular, Figure 7B, identified by the Examiner, discloses a seal wherein a channel is adjacent to a sealing lobe.

If we accept, for the sake of argument, that undulations 144a of McCutcheon et al constitute a sealing lobe as the Examiner contends, then it is clear that the channel 122a is positioned in spaced relation away from the sealing lobe and not adjacent to it as recited in Claim 1. Channel 122a is clearly separated from undulations 144a by rim segment 128a. If it is adjacent to anything, channel 122a is adjacent to the rim segment, not the undulations 144a.

To anticipate a claim, the reference must teach every element of the claim. "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, "[t]he elements must be arranged as required by the claim..." In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claim 1 is not anticipated by McCutcheon et al because this references does not teach all elements of Claim 1, i.e., the reference fails to teach a seal having an inwardly facing channel positioned adjacent to a sealing lobe as recited. The

Response to the Office Action
Dated July 8, 2004

Appln. No. 10/613,804

- 4 -

August 6, 2004

components are not arranged as recited in Claim 1. (Note that the channel 122a does not extend into the region marked 124a in Figure 7B. This reference character denotes a plurality of angularly spaced cavities (see column 5, lines 40-44) positioned around the seal as illustrated in Figures 5 and 6, the rim segment 128a partially covering the cavities 124a and defining the channel 122a between itself and the portion of the seal marked 148a.)

Claims 2 and 3 depend upon Claim 1 and should be allowable for the same reasons that Claim 1 is allowable.

Claim 4

Claim 4 depends indirectly upon Claim 1 and should be allowable for the same reasons that Claim 1 is allowable.

Claim 4 recites a seal having a sealing lobe, a first channel positioned opposite to the sealing lobe and a second channel positioned adjacent to the sealing lobe; a reinforcing band being positioned substantially within one of the two channels. This element is clearly not taught in McCutcheon et al as shown with reference to Figure 7B. If, as identified by the Examiner, the region between ridges 146a and 148a constitute the first channel, and 122a constitutes the second channel recited in the claim, then it is clear that reinforcing band 126a is not positioned within either channel. Comparison of any figure of McCutcheon et al with applicants' Figure 2 clearly shows a difference in the positioning of the reinforcing band as recited in Claim 4. In applicants' Figure 2, reinforcing band 38 is clearly shown as positioned within channel 34; in contrast, there is no such configuration of

Response to the Office Action
Dated July 8, 2004

Appln. No. 10/613,804

- 5 -

August 6, 2004

reinforcing band and channel shown in McCutcheon et al, the reinforcing band 126a being in spaced apart relation away from both channels. Note again that 124a does not constitute a channel or a part of channel 122a, but identifies cavities positioned about the seal. McCutcheon et al does not teach a seal having a reinforcing band positioned within a channel as recited in Claim 4.

Claim 5 depends upon Claim 4 and should be allowable for the same reasons that Claim 4 is allowable. Furthermore, Claims 6-9 depend, directly or indirectly, upon Claims 4 and 1 and should be allowable for the same reasons that these claims are allowable. Claims 10-14 depend, either directly or indirectly, upon Claim 1 and should be allowable for the same reasons that Claim 1 is allowable.

Claim 15

Claim 15 depends indirectly upon Claim 1 and should be allowable for the same reasons that Claim 1 is allowable. Furthermore, Claim 15 recites a seal having a flat region oriented substantially parallel to a chord line running through the seal (see applicants' Figure 1, item 30). The flat region is engageable with a complementary surface within the valve and is used to orient the seal and prevent its rotation. There is no such structure taught or suggested in McCutcheon et al. Applicants respectfully request that the Examiner point out where in the reference the recitation of Claim 15 is found or withdraw the anticipation rejection of this claim.

Response to the Office Action
Dated July 8, 2004

Appln. No. 10/613,804

- 6 -

August 6, 2004

Claim 16

Claim 16 recites elements found in Claims 1 and 4, namely, a seal comprising a channel positioned adjacent to a sealing lobe and a reinforcing band positioned within a channel. As argued above for Claims 1 and 4, McCutcheon et al does not teach either of these claim elements, and thus, the cited reference cannot anticipate claims, such as Claim 16, which recite these elements.

Claims 17-23 depend, directly or indirectly, upon Claim 16 and should be allowable for the same reasons that Claim 16 is allowable.

Claim 24

Claim 24 is drawn to a knife gate valve that comprises a seal substantially as recited in Claim 1. Claim 24 should be allowable over McCutcheon et al for the same reasons that Claim 1 is allowable, i.e., all elements of Claim 24 are not taught in the cited reference.

Claims 25-42 depend, either directly or indirectly, upon Claim 24 and should be allowable for the same reasons that Claim 24 is allowable. Furthermore, similar to Claim 4, Claim 28 recites a seal having a reinforcing band positioned within a channel. As demonstrated above, this configuration is not taught in McCutcheon et al and, therefore, the reference cannot properly anticipate the claim.

Summary

Applicants have shown, in the arguments presented above, that McCutcheon et al does not teach every element of any of applicants' claims. The cited reference, therefore, fails to meet the criterion necessary to support a rejection on the basis of anticipation, which requires that all claim elements be taught. Applicants contend that all claims are allowable,

SYNNESTVEDT & LECHNER LLP

Response to the Office Action
Dated July 8, 2004

Appln. No. 10/613,804

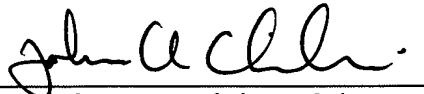
- 7 -

August 6, 2004

and respectfully request that the application be passed to
issue.

Respectfully submitted,

SYNNESTVEDT & LECHNER LLP

By: 
John A. Chionchio
Reg. No. 40,954

1101 Market Street, Suite 2600
Philadelphia, PA 19107-2950
Telephone: (215) 923-4466
Facsimile: (215) 923-2189

JAC/dml

M:\DLarsen\VICTAULIC\26551USA\26551RESPONSE.37CFR111